



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2900 FAX (603) 271-2456



April 8, 2002

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
NO.WMD 02-15**

Mr. Andrew Sanborn, Production Manager  
Vitex Extrusion (f.k.a. Aavid Precision Extrusion)  
43 Industrial Park Drive  
Franklin, NH 03235

**RE: Aavid Precision Extrusion, 43 Industrial Park Drive, Franklin, NH  
EPA ID No. NHD 986486488**

Dear Mr. Sanborn

On June 13, 2001, the Department of Environmental Services (DES) conducted an inspection of Aavid Precision Extrusion, (Aavid). The facility was sold to Vitex Extrusion on December 24, 2001. The purpose of the inspection was to determine Aavid's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies were documented:

Env-Wm 502.01 hazardous waste determination

Env-Wm 502.01 requires a generator of a waste to determine if their waste is a hazardous waste.

DES requests that Aavid conduct a hazardous waste determination for the one (1) 55-gallon container of "Amcol with water" located in the Hazardous Waste and Used Oil Storage Area. The determination should be conducted according to Env-Wm 502.01, whereby Aavid must determine 1) whether the waste is exempt from regulation under Env-Wm 401.03, 2) if the waste is listed as a hazardous waste under Env-Wm 402, 3) may test the waste in accordance with Env-Wm 401.04 and Env-Wm 403 or 4) may apply generator knowledge based upon the materials or process used to generate the waste. If Aavid decides to test the waste, the analyses should include, at a minimum, RCRA metals and volatile organic compounds, using the Toxicity Characteristic Leaching Procedure (TCLP) found in "Test Methods for Evaluating Solid Wastes, SW-846". Additional testing may be needed depending upon the materials which could contaminate the fluid. If the results of this testing indicate that the "Amcol with water" is hazardous, Aavid must ensure that the "Amcol with water" is managed in accordance with Env-Wm 500 of the New Hampshire Hazardous Waste Rules, and is disposed of at a permitted facility authorized to handle hazardous waste. Alternatively, if the results of the determination indicate that the "Amcol with water" is not hazardous, Aavid may manage it as a solid

waste. If Aavid chooses, they may identify the "Amcol with water" to be hazardous, and forego the expense of the testing as long as the appropriate EPA/state waste number(s) is (are) assigned to the waste. Aavid should weigh the costs and benefits of each option and choose which is best.

Hazardous waste determinations are also required for the contents of the oil/grit separator tank and the skimmer tank which comprise the oil/water separator system. The analysis should be conducted to determine whether the waste meets the exemption as outlined in Env-Wm 401.03 (b)(16). In determining whether the waste exhibits a hazardous characteristic or exceeds the levels set forth in Env-Wm 404.01, Aavid may consider using generator knowledge. However, Aavid will need to take a representative sample of the waste stream to determine whether the water contains greater than 5 percent oil. Please note that a representative sample is defined in Env-Wm 110.01(b)(107) as, "a sample of a universe or whole that can be expected to exhibit the average properties of the universe or the whole." To meet these requirements, DES proposes that Aavid use a flow-weighted composite grab sample based upon review of production volumes.

Please provide DES with results of the hazardous waste determinations for the "Amcol with water", the oil/grit separator tank, and the skimmer tank.

*DES acknowledges receipt of the material data safety sheet for Amcol and the description of the process used to generate the Amcol with water. In addition, DES acknowledges receipt on 1/31/02 and 03/16/02 of the hazardous waste profiles for the contents of the oil/grit separator and skimmer tank, respectively.*

2. Env-Wm 504.02(d) - generator notification

At the time of the inspection, current DES notification records did not reflect the change in generator status for Aavid from a large quantity generator to a small quantity generator.

Env-Wm 504.02(d) requires that a generator shall notify DES in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change.

DES requests that Aavid complete and submit a subsequent notification form (enclosed) in order to accurately reflect the change in generator status.

*DES acknowledges the letter dated 11/07/01 where Aavid states that it desires to maintain the LQG status and receipt of the subsequent notification for change in ownership received on 01/24/02.*

3 Env-Wm 509.02 (a)(2) personnel training

A review of Aavid's personnel training program revealed that some employees responsible for the management of hazardous waste have not received hazardous waste training appropriate for the duties assigned. Specifically, training for the Emergency Coordinators and the Emergency Response Team needs to ensure that all personnel effectively manage hazardous wastes on site and during emergencies.

*DES acknowledges receipt of Aavid's training plan for personnel responsible for handling hazardous waste and/or responding to emergencies. Recommendations for knowledge, skills and abilities for personnel who fill the role of Emergency Coordinators and Emergency Response Team will be submitted to Aavid.*

4. Env-Wm 509.02(a)(5) - contingency plan

At the time of the inspection, the contingency plan maintained at the facility failed to have an updated emergency contact list.

Env-Wm 509.02(a)(5), which references 40 CFR 265 Subpart D, requires that full quantity generators maintain a complete contingency plan on site.

DES requests that Aavid revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist, and as required in 40 CFR 265.50. Aavid should provide documentation (e.g., return receipts, copies of individual letters of transmittal) that the plan has been submitted to state and local emergency response teams. Enclosed please find a suggested outline for a contingency plan which may be useful as a guide.

*Note: DES acknowledges receipt of the letter dated 11/30/01 which confirms that this deficiency is being addressed. Please submit the revised contingency plan to DES.*

5. Env-Wm 509.02(b) emergency posting

At the time of the inspection, Aavid did not have emergency postings at the nearest telephone to the Hazardous Waste Storage Area.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers and information at the nearest telephone to the hazardous waste storage area:

a) The emergency coordinators (home and office);

b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team to provide emergency services whose number is posted; and

c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that Aavid post the required information at the nearest telephone to each hazardous waste storage area.

*DES acknowledges that Aavid has placed emergency postings at all (satellite) storage areas throughout the facility.*

6. Env-Wm 807.06(b)(4) - standards for generators of used oil being recycled

At the time of the inspection, Aavid did not have five (5) 55-gallon containers and one (3,000-gallon tank properly labeled.

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycle label used oil containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Aavid label all used oil containers and tanks destined for recycle with the words "Used Oil for Recycle".

*DES acknowledges the letter dated 07/12/01 where Aavid confirms that all used oil containers and tanks have been properly labeled.*

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Aavid can be submitted within thirty (30) days of receipt of this letter. Supporting documentation describing the measures taken to achieve compliance should be included with the report

In the event compliance is not achieved within this period, DES may take further action against Aavid, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of your facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed please find the Hazardous Waste Generator RCRA Inspection Checklist to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs> or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Nancy Phillips, Waste Management Specialist or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions on water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-2457; and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

 **COPY**

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

CERTIFIED MAIL RRR# 7099 3400 0002 9774 2225

cc: DB/RCRA/LOD/Archive  
Randy Unrein, Plant Manager, Vitex Extrusion

E mail: JJD, SD/WD, PM/ARD, SD/CO  
Philip J. O'Brien, Ph.D., Director, WMD

Enclosure:

- 1) Container Inventory
- 2) Hazardous Waste Generator RCRA Inspection Checklist
- 3) Suggested Outline for Contingency Plan